

1 AN ACT in relation to children.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Early Intervention Services System Act is
5 amended by changing Sections 3 and 5 as follows:

6 (325 ILCS 20/3) (from Ch. 23, par. 4153)

7 Sec. 3. Definitions. As used in this Act:

8 (a) "Eligible infants and toddlers" means infants and
9 toddlers under 36 months of age with any of the following
10 conditions:

11 (1) Developmental delays ~~as---defined---by--the~~
12 ~~Department-by-rule.~~

13 (2) A physical or mental condition which typically
14 results in developmental delay.

15 (3) Being at risk of having substantial
16 developmental delays based on informed clinical judgment.

17 (b) "Developmental delay" means a delay of 30% or more
18 below the mean in function in one or more of the following
19 areas of childhood development as measured by appropriate
20 diagnostic instruments and standard procedures: cognitive;
21 physical, including vision and hearing; language, speech and
22 communication; psycho-social; or self-help skills.

23 (c) "Physical or mental condition which typically
24 results in developmental delay" means:

25 (1) a diagnosed medical disorder bearing a
26 relatively well known expectancy for developmental
27 outcomes within varying ranges of developmental
28 disabilities; or

29 (2) a history of prenatal, perinatal, neonatal or
30 early developmental events suggestive of biological
31 insults to the developing central nervous system and

1 which either singly or collectively increase the
2 probability of developing a disability or delay based on
3 a medical history.

4 (d) "Informed clinical judgment" means both clinical
5 observations and parental participation to determine
6 eligibility by a consensus of a multidisciplinary team of 2
7 or more members based on their professional experience and
8 expertise.

9 (e) "Early intervention services" means services which:

10 (1) are designed to meet the developmental needs of
11 each child eligible under this Act and the needs of his
12 or her family;

13 (2) are selected in collaboration with the child's
14 family;

15 (3) are provided under public supervision;

16 (4) are provided at no cost except where a schedule
17 of sliding scale fees or other system of payments by
18 families has been adopted in accordance with State and
19 federal law;

20 (5) are designed to meet an infant's or toddler's
21 developmental needs in any of the following areas:

22 (A) physical development, including vision and
23 hearing,

24 (B) cognitive development,

25 (C) communication development,

26 (D) social or emotional development, or

27 (E) adaptive development;

28 (6) meet the standards of the State, including the
29 requirements of this Act;

30 (7) include one or more of the following:

31 (A) family training,

32 (B) social work services, including
33 counseling, and home visits,

34 (C) special instruction,

- 1 (D) speech, language pathology and audiology,
- 2 (E) occupational therapy,
- 3 (F) physical therapy,
- 4 (G) psychological services,
- 5 (H) service coordination services,
- 6 (I) medical services only for diagnostic or
- 7 evaluation purposes,
- 8 (J) early identification, screening, and
- 9 assessment services,
- 10 (K) health services specified by the lead
- 11 agency as necessary to enable the infant or toddler
- 12 to benefit from the other early intervention
- 13 services,
- 14 (L) vision services,
- 15 (M) transportation, and
- 16 (N) assistive technology devices and services;
- 17 (8) are provided by qualified personnel, including
- 18 but not limited to:
 - 19 (A) child development specialists or special
 - 20 educators,
 - 21 (B) speech and language pathologists and
 - 22 audiologists,
 - 23 (C) occupational therapists,
 - 24 (D) physical therapists,
 - 25 (E) social workers,
 - 26 (F) nurses,
 - 27 (G) nutritionists,
 - 28 (H) optometrists,
 - 29 (I) psychologists, and
 - 30 (J) physicians;
- 31 (9) are provided in conformity with an
- 32 Individualized Family Service Plan;
- 33 (10) are provided throughout the year; and
- 34 (11) are provided in natural environments,

1 including the home and community settings in which
2 infants and toddlers without disabilities would
3 participate to the extent determined by the
4 multidisciplinary Individualized Family Service Plan.

5 (f) "Individualized Family Service Plan" or "Plan" means
6 a written plan for providing early intervention services to a
7 child eligible under this Act and the child's family, as set
8 forth in Section 11.

9 (g) "Local interagency agreement" means an agreement
10 entered into by local community and State and regional
11 agencies receiving early intervention funds directly from the
12 State and made in accordance with State interagency
13 agreements providing for the delivery of early intervention
14 services within a local community area.

15 (h) "Council" means the Illinois Interagency Council on
16 Early Intervention established under Section 4.

17 (i) "Lead agency" means the State agency responsible for
18 administering this Act and receiving and disbursing public
19 funds received in accordance with State and federal law and
20 rules.

21 (j) "Child find" means a service which identifies
22 eligible infants and toddlers.

23 (Source: P.A. 90-158, eff. 1-1-98; 91-538, eff. 8-13-99.)

24 (325 ILCS 20/5) (from Ch. 23, par. 4155)

25 Sec. 5. Lead Agency. The Department of Human Services
26 is designated the lead agency and shall provide leadership in
27 establishing and implementing the coordinated, comprehensive,
28 interagency and interdisciplinary system of early
29 intervention services. The lead agency shall not have the
30 sole responsibility for providing these services. Each
31 participating State agency shall continue to coordinate those
32 early intervention services relating to health, social
33 service and education provided under this authority.

1 The lead agency is responsible for carrying out:

2 (a) the general administration, supervision, and
3 monitoring of programs and activities receiving
4 assistance under Section 673 of the Individuals with
5 Disabilities Education Act (20 United States Code 1473);

6 (b) the identification and coordination of all
7 available resources within the State from federal, State,
8 local and private sources;

9 (c) the development of procedures to ensure that
10 services are provided to eligible infants and toddlers
11 and their families in a timely manner pending the
12 resolution of any disputes among public agencies or
13 service providers;

14 (d) the resolution of intra-agency and interagency
15 regulatory and procedural disputes; and

16 (e) the development and implementation of formal
17 interagency agreements between the lead agency and other
18 relevant State agencies that:

19 (1) define the financial responsibility of
20 each agency for paying for early intervention
21 services (consistent with existing State and federal
22 law and rules) and procedures for resolving service
23 disputes; and

24 (1.5) ensure that all early intervention
25 services are considered to be covered medical
26 services for purposes of subsection (f) of Section
27 5-19 of the Illinois Public Aid Code, to the maximum
28 extent allowed by federal law, and ensure that
29 proper payment is made for all such services; and

30 (2) otherwise include all additional
31 components necessary to ensure meaningful
32 cooperation and coordination.

33 (Source: P.A. 90-158, eff. 1-1-98.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.